

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (Currently amended) An isolated protein comprising the~~having an~~ amino acid sequence ~~of described in SEQ. ID. No. 1~~ SEQ ID NO: 1, in the Sequence Listing and wherein said protein exhibits a pesticidal activity.
- 2.-5. (Cancelled)
6. (Currently amended) A noxious organism-controlling agent, comprising a microbe that produces a protein having ~~the~~an amino acid sequence of SEQ ID NO: 1 described in SEQ. ID. No. 1 in the Sequence Listing, wherein said microbe is selected from the group consisting of:
 - (1-1) *Bacillus thuringiensis* serovar *galleriae* SDS502 strain,
 - (1-2) a mutant of *Bacillus thuringiensis* serovar *galleriae* SDS502 strain thereof, and
 - (1-3) a microbe transformed with a polynucleotide comprising~~DNA containing~~ a nucleotide sequence encoding a protein comprising~~having the~~an amino acid sequence of SEQ ID NO: 1 described in SEQ. ID. No. 1 in the Sequence Listing, or
a protein having a pesticidal activity, produced by a microbe selected from the group consisting of:

Amendment under 37 C.F.R. § 1.111
USSN 10/089,678

- (2-1) ~~said the above mentioned~~ *Bacillus thuringiensis serovar galleriae* SDS502 strain,
(2-2) ~~its mutant of said~~ *Bacillus thuringiensis serovar galleriae* SDS502 strain, and
(2-3) ~~a transformed~~ microbe transformed with a polynucleotide comprising a nucleotide
sequence encoding a protein comprising the amino acid sequence of SEQ ID NO: 1.

7.-8. (Cancelled)

9. (Currently amended) A method for controlling a noxious organism, comprising
feeding wherein the protein as claimed in claim 1 or 2 above is fed to a noxious organism a
protein of claim 1 to protect a plant from a damage caused by ~~said the~~ noxious organism.

10. (Currently amended) The method for controlling a noxious organism of as
~~claimed in claim 9, wherein said the~~ noxious organism is a *Coleoptera* insect ~~and the plant is~~
~~protected from a damage caused by the noxious organism.~~

11. (Cancelled)